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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/644,065	08/20/2003	Naohito Takae	1614.1358	4348

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EXAMINER

NGUYEN, DAVID Q

ART UNIT PAPER NUMBER

2617

DATE MAILED: 04/17/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

10/644,065

Applicant(s)

TAKAE ET AL.

Examiner

David Q. Nguyen

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 13 February 2006.  
2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.  
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 5 and 9 is/are pending in the application.  
4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.  
5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.  
6) ☒ Claim(s) 5 and 9 is/are rejected.  
7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.  
8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.  
10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☒ All b) ☐ Some \* c) ☐ None of:  
1. ☒ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  
\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)  
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)  
3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.  
4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.  
5) ☐ Notice of Informal Patent Application (PTO-152)  
6) ☐ Other: \_\_\_\_\_.

## **DETAILED ACTION**

### ***Response to Arguments***

1. Applicant's arguments with respect to claims 5 and 9 have been considered but are moot in view of the new ground(s) of rejection.

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 5 and 9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Pollock et al. (WO 97/01253) in view of Nishizawa et al (US 6,669,487).

Regarding claim 5, Pollock et al. discloses a method for preventing unauthorized use of an IC card, performed in an IC card management center that manages IC card information, comprising receiving a notice of a customer ID of an IC card from a person from whom an IC card for settlement mounted to the mobile device is lost or stolen (see page 10, lines 1-12); a step giving an identification for stopping use of the IC card to an application management number of a database, which stores the application management number that is set for each mobile device by the IC card management center so as to be a number corresponding to the customer ID (page 10, lines 1-12); and a step informing a subscriber ID to a mobile communication entrepreneur in order to warn and change a setting for the mobile device when the IC card for settlement is used

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by using the mobile device for which the identification is set to the application management number (see page 10, line 1 to page 11, line 9). Pollock et al does not mention the mobile device which becomes available in a state of mounting an SIM card is lost or stolen from the person. However, Nishizawa et al discloses a memory card unit and a SIM card unit mounted separately in a mobile device (see abstract); each card stores different security data codes (see abstract). It is apparent that the mobile device of Nishizawa et al becomes available in a state of mounting an SIM card is lost or stolen from the person. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to provide the above teaching of the Nishizawa et al to the method of Pollock et al so that the mobile device is not only used as a cellular phone, but it also used as a credit card or bank account card when the SIM card is not mounted in the mobile device.

Regarding claim 9, Pollock et al. discloses a program stored on a computer readable medium for causing a computer to prevent an IC card from unauthorized use of an IC card, said computer in an IC card management center that manages IC card information, said program comprising a notice receiving step receiving a notice of a customer ID of a customer from who a mobile device mounting the IC card for settlement is lost or stolen (see explanation in claim 5); a step giving an identification for stopping use of the IC card to an application management number of a database, which stores the application management number that is set for each mobile device by the IC card management center so as to be a number corresponding to the customer ID (see explanation in claim 5); and a step informing an subscriber ID to a mobile communication entrepreneur in order to warn and change a setting for the mobile device when the IC card for settlement is used by using the mobile device for which the identification is set to

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the application management number (see explanation in claim 5). Pollock et al does not mention the mobile device becomes available in a state of mounting an SIM card. However, Nishizawa et al discloses a memory card unit and a SIM card unit mounted separately in a mobile device (see abstract); each card stores different security data codes (see abstract). It is apparent that the mobile device of Nishizawa et al becomes available in a state of mounting an SIM card. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to provide the above teaching of the Nishizawa et al to the method of Pollock et al so that the mobile device is not only used as a cellular phone, but it also used as a credit card or bank account card when the SIM card is not mounted in the mobile device.

### *Conclusion*

3. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

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4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to David Q. Nguyen whose telephone number is 571-272-7844.

The examiner can normally be reached on 8:30AM-5:30PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, JOSEPH H. FEILD can be reached on (571)272-4090. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

DN

David Nguyen

  
ERIKA A. GARY  
PRIMARY EXAMINER